

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fishman, Daniel

Atty Docket: 2857/105

Serial No.: 09/871,990

Art Unit: 2173

Date Filed: May 31, 2001

Examiner: Bonshock

Invention: **System and Method for Transferring Web-Based Information**

**BRIEF IN REPLY TO EXAMINER'S ANSWER**

This Brief is filed in reply to the Examiner's Answer in the present Appeal dated February 5, 2008.

Claims 1-6, 8, 9, 11-16, 23 and 33 are pending in the application, and stand rejected under 35 U.S.C. 103(a) as being unpatentable over an earlier patent to Narurkar.

The appeal, noticed April 28, 2006, is with respect to the rejected claims, claims 1-6, 8, 9, 11-16, 23 and 33.

**APPELLANT'S REPLY**

Independent Claims 1 and 11 are directed to a user selecting web-based information and sending it to a personal information management system that applies to a set of users. Claims 1 and 11 in part require a "toolbar having a plurality of indicators for identifying an information type ... selectable from a group including address and event." The reasons supporting the claim rejections provided in the Examiner's Answer are not accurate or correct.

In his Response to Argument on page 11, the Examiner states that he is not correctly interpreting the claim language "an information type ... selectable from a group including address and event." Instead of reading that language for what it is, the Examiner indicates that he is instead substituting the phrase "a category of data that is being selected." The language chosen by the Examiner is broader in scope than the claim language at issue and may well have issues with respect to the prior art. The claim language itself should be used as the basis for comparison with the prior art, not a broader mischaracterization selected and applied by the Examiner.

Further, on page 14 of the Examiner's Answer, he supports his rejection by misrepresenting the substance of Narurkar:

The examiner respectfully contends that Narurkar teaches, in column 12, lines 18-40, allowing the user to specify the type of information (specify that data is for address book or appointment data) via icons on the toolbar, and further teaching in column 3, lines 10-27 and in column 9, lines 2-6, providing indication of the type, by a manual mapping, from source data structure to destination data structure.

But, the cited passages make no hint or suggestion whatsoever of appointment data, and in fact, Narurkar never discusses appointment or event data. Narurkar only describes transferring address data, and it is therefore further incorrect when the examiner states on the same page that "Narurkar further teaches ... appointment data (as in the standard PIM and an Organizer like that in column 9, line 42)." The cited language merely lists Outlook as an application that can have address data of the type Narurkar discusses, there is again neither here nor anywhere else in Narurkar any suggestion that his invention is useful for both address and event/appointment data. Mischaracterizing a reference to purport to find that which is not there is not a proper basis for rejecting the claims. Thus there is no hint or suggestion of that which the claims require: "an information type ... selectable from a group including address and event."

The Examiner's Answer is similarly incorrect on page 15 where it asserts that Narurkar teaches a toolbar allowing the user to specify "type of information (specify that data is for address book or appointment data) via icons on the toolbar." Again the Examiner's assertion is supported by reference to column 12, lines 18-40, and as explained above, that passage provides no hint or suggestion whatsoever of using appointment data. And so again, the Examiner supports his position by mischaracterizing the substance of the reference.

There are numerous other similar inaccuracies in the Examiner's Answer and his characterization of the substance of the reference. For the foregoing reasons, Appellants submit that all claims in the application are allowable over the art of record and a decision of the Board to that effect is respectfully solicited.

February 29, 2008

Respectfully submitted,

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